

**UNITED STATES DISTRICT COURT  
FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

JOSHUA AND JAMIE COPE,

Plaintiffs

V.

OXFORD LAW, LLC,

Defendant

**Case No.:** CIV-15-1124-D

## COMPLAINT AND DEMAND FOR JURY TRIAL

## (Unlawful Debt Collection Practices)

## COMPLAINT

JOSHUA AND JAMIE COPE (“Plaintiffs”), by and through their attorneys,  
KIMMEL & SILVERMAN, P.C., alleges the following against OXFORD LAW,  
LLC (“Defendant”):

## INTRODUCTION

1. Plaintiffs' Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA")

## JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. §1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and 28

1 U.S.C. §1331 grants this court original jurisdiction of all civil actions arising  
2 under the laws of the United States.

3 3. Defendant conducts business in the State of Oklahoma; therefore,  
4 personal jurisdiction is established.

5 4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

6  
7 **PARTIES**

8 5. Plaintiffs are natural persons residing in Okarche, Oklahoma 73762,  
9 at the time of the alleged harassment.

10 6. Plaintiffs are each a “consumer” as that term is defined in 15 U.S.C. §  
11 1692a(3).

12 7. Defendant is a national debt collection company with its corporate  
13 headquarters located at: 1100 Northbrook Drive, Suite 250, Trevose, Pennsylvania  
14 19053.

15 8. Defendant collects, and attempts to collect, consumer debts incurred,  
16 or alleged to have been incurred, for personal, family or household purposes on  
17 behalf of creditors and debt buyers using the U.S. Mail, telephone and/or internet.

18 9. Defendant is a “debt collector” as that term is defined by 15 U.S.C. §  
19 1692a(6), and repeatedly contacted Plaintiffs in an attempt to collect a debt.

1           10. Defendant acted through its agents, employees, officers, members,  
2 directors, heirs, successors, assigns, principals, trustees, sureties, subrogees,  
3 representatives, and insurers.  
4

5                           **FACTUAL ALLEGATIONS**

6           11. At all relevant times, Defendant was attempting to collect an alleged  
7 consumer debt from Plaintiffs.  
8

9           12. The alleged debt, a personal automobile loan, arose out of transactions  
10 which were primarily for personal, family, or household purposes.

11           13. Beginning in or around November 2014, and continuing through  
12 January 2015, Defendant continuously and repeatedly contacted Plaintiffs on their  
13 cellular and work telephones seeking and demanding payment of an alleged debt.  
14

15           14. On more than one occasion, Plaintiffs told Defendant to stop calling  
16 them; however, Defendant failed to update its records to restrict calls to Plaintiffs'  
17 telephones.  
18

19           15. Rather, Defendant continued to call Plaintiffs knowing that they did  
20 not want to be contacted on their cellular or work telephones.

21           16. In addition, in its communications with Plaintiffs, Defendant told  
22 them that if they did not pay the alleged debt then Defendant would contact the  
23 police and refer the claim to the District Attorney's Office.  
24  
25

1 17. Non-payment of a debt is not a criminal offense, and Defendant did  
2 not intend to contact the police and/or refer the matter to the District Attorney's  
3 Office.  
4

5 18. Rather, such statements were made to mislead and scare Plaintiffs.

6 19. Finally, upon information and belief, within five (5) days of its initial  
7 communication with Plaintiffs regarding the alleged debt, Defendant failed to send  
8 Plaintiffs information regarding their rights to dispute the debt and/or request  
9 verification of the debt.  
10

11 **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION**  
12 **PRACTICES ACT**

13 20. In its actions to collect a disputed debt, Defendant violated the  
14 FDCPA in one or more of the following ways:  
15

16 **COUNT I**

- 17 a. A debt collector violates § 1692d of the FDCPA by engaging in  
18 conduct the natural consequence of which is to harass, oppress,  
19 or abuse any person in connection with the collection of a debt.  
20
- 21 b. A debt collector violates § 1692d(5) of the FDCPA by causing  
22 a telephone to ring or engaging any person in telephone  
23 conversation repeatedly or continuously with intent to annoy,  
24 abuse, or harass any person at the called number.  
25
- c. Here, Defendant violated §§ 1692d and 1692d(5) of the

1 FDCPA by continuing to call Plaintiffs on their cellular and  
2 work telephones after being told to stop calling.

3  
4 **COUNT II**

- 5 a. A debt collector violates § 1692e of the FDCPA by using false,  
6 deceptive or misleading representations or means in connection  
7 with the collection of any debt.  
8
- 9 b. A debt collector violates § 1692e(5) of the FDCPA by  
10 threatening to take any action that cannot legally be taken or  
11 that is not intended to be taken.  
12
- 13 c. A debt collector violates § 1692e(7) of the FDCPA by falsely  
14 representing or implying that the consumer committed a crime  
15 or other conduct in order to disgrace the consumer.  
16
- 17 d. Section 1692e(10) of the FDCPA prohibits debt collectors from  
18 using any false representations or deceptive means to collect or  
19 attempt to collect any debt or to obtain information concerning  
20 a consumer.  
21
- 22 e. Here, Defendant violated §§ 1692e, 1692(5), 1692(7) and  
23 1692e(10) of the FDCPA when it threatened to report Plaintiffs  
24 to the District Attorney's Office and implied that it would take  
25 legal action against Plaintiffs, when it did not intend to take the

1 action it threatened and did not have the legal authority to take  
2 the threatened action.

3  
4 **COUNT III**

- 5 a. A debt collector violates §1692f of the FDCPA by using unfair  
6 or unconscionable means to collect or attempt to collect any  
7 debt.  
8  
9 b. Here, Defendant violated § 1692f of the FDCPA by failing to  
10 update its records to restrict calls to Plaintiffs' cellular and  
11 work telephones.

12  
13 **COUNT IV**

- 14 a. A debt collector violates § 1692g(a) of the FDCPA by failing to  
15 send to the consumer, within five days after its initial  
16 communication with a consumer in connection with the  
17 collection of a debt, a written notice containing: (1) the amount  
18 of the debt; (2) the name of the creditor to whom the debt is  
19 owed; (3) a statement that unless the consumer, within thirty  
20 days after receipt of the notice, disputes the validity of the debt,  
21 or any portion thereof, the debt will be assumed to be valid by  
22 the debt collector; (4) a statement that if the consumer notifies  
23 the debt collector in writing within the thirty-day period that the  
24  
25

1 debt, or any portion thereof, is disputed, the debt collector will  
2 obtain verification of the debt or a copy of a judgment against  
3 the consumer and a copy of such verification or judgment will  
4 be mailed to the consumer by the debt collector; and (5) a  
5 statement that, upon the consumer's written request within the  
6 thirty-day period, the debt collector will provide the consumer  
7 with the name and address of the original creditor, if different  
8 from the current creditor.  
9

- 10  
11 b. Here, Defendant violated § 1692g of the FDCPA by failing to  
12 send written notification, within five (5) days after its initial  
13 communication with Plaintiffs, advising Plaintiffs of their rights  
14 to dispute the debt or request verification of the debt or  
15 providing them with the name of the original creditor and the  
16 amount of the debt.  
17  
18

19 **PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiffs, JOSHUA and JAMIE COPE, respectfully pray  
21 for a judgment as follows:  
22

- 23 a. All actual damages suffered pursuant to 15 U.S.C. §  
24 1692k(a)(1);  
25

- 1           b.     Statutory damages of \$1,000.00 for the violation of the FDCPA  
2                     pursuant to 15 U.S.C. § 1692k(a)(2)(A);  
3  
4           c.     All reasonable attorneys' fees, witness fees, court costs and other  
5                     litigation costs incurred by Plaintiffs pursuant to 15 U.S.C. §  
6                     1693k(a)(3); and  
7  
8           d.     Any other relief deemed appropriate by this Honorable Court.

9                     **DEMAND FOR JURY TRIAL**

10           PLEASE TAKE NOTICE that Plaintiffs, JOSHUA and JAMIE COPE,  
11 demand a jury trial in this case.

12                                     RESPECTFULLY SUBMITTED,

13  
14           DATED: October 8, 2015

                                   KIMMEL & SILVERMAN, P.C.

15                                     By: /s/ Tara L. Patterson  
16                                     Tara L. Patterson  
17                                     PA Attorney ID No. 88343  
18                                     Kimmel & Silverman, P.C.  
19                                     30 E. Butler Pike  
20                                     Ambler, PA 19002  
21                                     Phone: (215) 540-8888 ext. 103  
22                                     Fax: (877) 788-2864  
23                                     Email: tpatterson@creditlaw.com  
24  
25